

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shola Gbemi	Team: Squad #5	CCRB Case #: 201902899	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/26/2019 6:30 PM	Location of Incident: in front of 47-06 49th Street in Queens	Precinct: 108	18 Mo. SOL 9/26/2020	EO SOL 5/13/2021	
Date/Time CV Reported Wed, 03/27/2019 1:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/03/2019 11:16 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Paul Bentz	20690	962948	108 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jesse Bernstein	18831	962254	108 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Paul Bentz	Abuse: Police Officer Paul Bentz threatened to arrest § 87(2)(b)	
B.POM Paul Bentz	Abuse: Police Officer Paul Bentz threatened to arrest § 87(2)(b)	

Summary of Complaint

On March 27, 2019, § 87(2)(b) filed the following complaint by phone with IAB, which generated original log number 19-12350. The CCRB received the complaint on April 3, 2019.

§ 87(2)(b) requested that she be referred to by the surname § 87(2)(b) in her CCRB complaint. However, she also uses her ex-husband's surname, "§ 87(2)(b)" and that surname appears on various NYPD documentation from this incident. Throughout this report, she will be referred to by the surname § 87(2)(b).

On March 26, 2019, at approximately 6:30 p.m., § 87(2)(b) got into a dispute with her ex-husband, § 87(2)(b), regarding the custody of their children. § 87(2)(b) attempted to drive away from the scene, and an open door on his vehicle struck § 87(2)(b). Police Officer Paul Bentz and Police Officer Jesse Bernstein from the 108th Precinct responded to the incident at 47-06 49th Street in Queens. § 87(2)(b) recounted the incident to PO Bentz. PO Bentz allegedly told § 87(2)(b) "We're going to go back and find the cameras. If you're lying, you're going to get arrested" (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Bentz later allegedly told § 87(2)(b) that she would be arrested if she claimed on a Domestic Incident Report that Ruben Cruz struck her with his vehicle's door (**Allegation B: Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain any video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Paul Bentz threatened to arrest

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Paul Bentz threatened to arrest § 87(2)(b)

§ 87(2)(b) provided accounts of the incident during a phone statement, and later at an in-person interview (BR 01; BR 02). § 87(2)(g)

§ 87(2)(b) recounted that PO Bentz and PO Bernstein were both seated in their vehicle during her interaction with PO Bentz. § 87(2)(b) recounted that she told PO Bentz that when she tried to remove her daughter from § 87(2)(b) vehicle, § 87(2)(b) drove forward and slammed his brakes, which caused the open car door to swing back and strike her. PO Bentz told § 87(2)(b) "We're going to go back and find the cameras. If you're lying, you're going to get arrested." § 87(2)(b) recounted that PO Bentz then called someone about finding video footage. Afterwards, PO Bentz told § 87(2)(b) that he was unable to locate video footage of the incident. PO Bentz told § 87(2)(b) to put her account of the incident in the DIR, but he instructed her not to include her claim that she had been struck by § 87(2)(b) vehicle. PO Bentz told § 87(2)(b) that she would be arrested if she included that allegation in her statement on the DIR.

At his CCRB interview, PO Bentz stated that he did not have any recollection of the incident (BR 03). Nevertheless, he denied generally that he threatened to arrest § 87(2)(b) or that he threatened to arrest her if she did not complete the DIR in the manner he instructed.

At his CCRB interview, PO Bernstein recalled that PO Bentz interacted with § 87(2)(b) during the incident, but he did not recall the substance of their interaction (BR 04). He denied hearing PO Bentz explicitly threaten to arrest § 87(2)(b). He did not recall hearing the specific statements § 87(2)(b) attributed to PO Bentz regarding the possibility of finding video footage and regarding the specifics of what she should write in the DIR. PO Bernstein did not recall if § 87(2)(b) displayed any behavior that would have warranted her arrest.

§ 87(2)(g)

New York State Penal Law §240.50 states that a person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she gratuitously reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not in fact occur (BR 08).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 05).
- Police Officer Paul Bentz has been a member of the NYPD for two years and has been a subject in one CCRB complaint and three allegations. The investigation into that complaint is still pending.

Mediation, Civil & Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- The undersigned requested record of any Notice of Claim filed regarding this incident with the New York City Comptroller's Office. As of the date of this report, no response has been received. The response will be added to the case file upon receipt (BR 07).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date